




stamped copy of the complaint, summons forms, a “Notice of Intent to Use Private Process Server” form, and “Waiver of Service” forms. *Id.* Plaintiff did not effectuate service. On May 3, 2023, the Court entered an Order dismissing the case without prejudice pursuant to Rule 41(b), Fed. R. Civ. P., due to Plaintiff’s failure to comply with the Court’s prior order. (ECF No. 15). On April 1, 2024, Plaintiff filed the instant motion. Plaintiff states therein that he wishes to “preserve [his] right to sue Boeing.” He further states he has been unable to obtain counsel due to medical reasons and hopes the Court will appoint him one. (ECF No. 16).

Rule 60(b) provides for extraordinary relief only upon an adequate showing of exceptional circumstances. Fed. R. Civ. P. 60(b) (setting forth grounds upon which Court may grant relief from judgment or order); *U.S. Xpress Enters., Inc. v. J.B. Hunt Transp., Inc.*, 320 F.3d 809, 815 (8th Cir. 2003). Upon review of the record and Plaintiff’s present motion, Plaintiff asserts none of the enumerated grounds for granting Rule 60(b) relief and has failed to show exceptional circumstances justifying such relief. The Court therefore declines to grant relief under Rule 60(b). *See Freeman v. Wyeth*, 764 F.3d 806, 809-10 (relief from judgment warranted in only exceptional cases; discussing excusable neglect inquiry); *see also Chambers v. Armontrout*, 16 F.3d 257, 261 (8th Cir. 1994) (“Absent extraordinary circumstances, Rule 60(b) motion cannot be used to remedy a failure to take an appeal”).

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff’s Motion to Extend Right to Sue Boeing Due to Medical Conditions (ECF No. 16) is **DENIED**.

  
**RONNIE L. WHITE**  
**UNITED STATES DISTRICT JUDGE**

Dated this 11th day of April, 2024.